

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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| IN RE: ASHLEY MADISON CUSTOMER |) | |
| DATA SECURITY BREACH LITIGATION |) | |
| |) | |
| This Document Relates to: |) | MDL No. 2669 |
| |) | |
| ALL CASES |) | Case No. 4:15-MD-02669-JAR |
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| |) | |

**PLAINTIFFS’ AND CLASS SETTLEMENT COUNSEL’S MOTION FOR
REIMBURSEMENT OF ADDITIONAL LITIGATION EXPENSES INCURRED AFTER
THE MOTION FOR FINAL APPROVAL WAS FILED**

1. Class Settlement Counsel negotiated a settlement that created an \$11.2 million non-reversionary settlement fund and provides additional and substantial non-monetary relief. This settlement confers a substantial benefit on the Class in this difficult and novel class action.

2. On October 20, 2017, Class Settlement Counsel and Plaintiffs moved for entry of a Final Order: (i) granting final approval of the proposed settlement, (ii) approving the settlement as fair and reasonable, (iii) deeming Class Notice to be compliant with Federal Rule of Civil Procedure Rule 23 and due process, and (iv) granting final class certification for settlement purposes. Doc. 367 to 368 (the “Motion for Final Approval”). That Motion for Final Approval was granted on November 20, 2017. Doc. 383.

3. On October 20, 2017, Class Settlement Counsel and Plaintiffs submitted their Motion for (1) Approval of Attorneys’ Fees, (2) Reimbursement of Litigation Expenses, and (3) Service Awards to the Class Representatives. Docs. 373 and 374 (the “Fee Motion”). That Fee Motion was granted on November 20, 2017. Doc. 383.

4. On February 2, 2018, Class Settlement Counsel filed its Submission of Court Ordered Accounting of Claims Paid and Amounts Distributed to Charities. Doc. 384. In that

submission, Class Counsel stated that once all payments are made, expenses incurred are accounted for, and any unnegotiated distribution payments are known, Settlement Class Counsel will work with Angeion to issue a second and equal *pro rata cy pres* distribution to each of the Charities to close out the Settlement Fund. *Id.* Following that distribution, Settlement Class Counsel stated it would file a second notice of accounting with this Court to account for and document the distributions done with the Reserve. *Id.* Settlement Class Counsel stated that the notice would be filed with this Court no later than 150 days from the date of that filing, which was to be on or around July 2, 2018.

5. Class Settlement Counsel were billed and/or have incurred additional expenses since the submission of its Fee Motion, and it requests reimbursement for those expenses out of the Settlement Fund prior to the second and final distribution of the remainder of the Settlement Fund. Defendants do not oppose this Motion for Approval of Additional Expenses.

4. The legal and factual reasons supporting Plaintiffs and Class Settlement Counsel's Motion for Reimbursement of Additional Expenses are set forth in their Memorandum in Support, filed herewith, and Plaintiffs and Class Settlement Counsel incorporate the same as if set forth fully herein.

WHEREFORE Plaintiffs and Class Settlement Counsel respectfully request that the Court enter its Order reimbursing counsel for an additional \$12,185.39 in costs and expenses from the Settlement Fund.

Date: June 18, 2018

Respectfully Submitted,

THE DRISCOLL FIRM, P.C.

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Plaintiffs' Class Settlement Counsel

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all parties.

/s/ John J. Driscoll